

## **REMARKS**

### **I. Introduction**

With the addition of new claims 8 and 9, claims 1-9 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the indication that the drawings filed on July 16, 2003 have been accepted, the acknowledgment of the claim for foreign priority, and the indication that all certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

### **II. Rejection of Claims 1 to 7 Under 35 U.S.C. § 103(a)**

Claims 1 and 4 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,741,760 ("Hayashi et al."). It is respectfully submitted that Hayashi et al. do not render unpatentable these claims for at least the following reasons.

Hayashi et al. disclose a digital camera including a zoom optical system and a CCD. In this regard, Hayashi et al. disclose conditional expressions (1) to (4) having parameters of  $LB_g$ ,  $LBe$ ,  $LB_c$ ,  $p$ , and  $f\#$  for the purpose of restricting generation of "color moire" without using an optical low-pass filter. However, although Hayashi et al. disclose a comparison between "a difference between  $LBe$  and  $LB_g$ " and "a product of  $p$  and  $f\#$ " and a comparison between "a difference between  $LBe$  and  $LB_c$ " and "a product of  $p$  and  $f\#$ ", Hayashi et al. does not disclose, or even suggest, a direct comparison of  $p$  (pitch) and  $f\#$  (F-number).

Hayashi et al. discloses that the CCD with a pitch ( $p$ ) of 0.005 mm (5  $\mu$ m) is used. In addition, an F-number ( $f\#$ ) of the zoom optical system is disclosed, and an F-number ( $f\#$ ) at a wide-angle end is 5. Therefore, the **F-number ( $f\#$ ) and the pitch ( $p$ ) are equivalent** (a value of 5.5 is considered an F-number ( $f\#$ ) at a telephoto end).

As indicated above, although Hayashi et al. discloses specific numbers for the pitch ( $p$ ) and the F-number ( $f\#$ ), any of these values does not satisfy conditions (1) and (2) in any of claims 1 and 4. The Examiner indicates that the use of a pitch ( $p$ ) of 4  $\mu$ m instead of 5  $\mu$ m is a matter of design choice. Applicant respectfully disagrees. Initially, Applicant respectfully submits that as long as the F-number ( $f\#$ ) and the pitch ( $p$ ) of Hayashi et al. do

not satisfy condition (2) in any of claims 1 and 4, obtaining a value that satisfies condition (1) in any of claims 1 and 4 for the pitch (p) -- after putting the F-number (f#) and the pitch into a magnitude correlation such as the condition (2) -- does not correspond to a design choice. Moreover, Applicant respectfully submits that the dimensions of the present invention allow it to perform differently from the device of Hayashi et al. See, e.g., Specification at page 3, lines 6 to 14 ("As the pixel pitch becomes small in such a range that the relation between the full-aperture F-number (minimum F-number) and the pixel pitch  $a$  ( $\mu\text{m}$ ) of the electronic image pickup device used satisfies [conditions (1) and (2)], there is little frequency component greater than Nyquist frequency under the influence of diffraction and so little or no image degradation due to alias.").

As indicated above, Hayashi et al. do not disclose, or even suggest, all of the features of any of claims 1 and 4. As such, it is respectfully submitted that Hayashi et al. do not render unpatentable any of claims 1 and 4.

Claims 2 and 3 depend from claim 1 and therefore include all of the features recited in claim 1. As such, it is respectfully submitted that Hayashi et al. do not anticipate these dependent claims for at least the same reasons set forth above with respect to claim 1.

Claims 5 to 7 depend from claim 4 and therefore include all of the features recited in claim 4. As such, it is respectfully submitted that Hayashi et al. do not anticipate these dependent claims for at least the same reasons set forth above with respect to claim 4.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

### **III. New Claims 8 and 9**

New claims 8 and 9 have been added. It is respectfully submitted that new claims 8 and 9 add no new matter and are fully supported by the present application. See, e.g., Specification at page 10, lines 13 to 17. Since the new claims are dependent from claims 1 and 4, respectively, they should be allowable for the reasons discussed above.

**IV. Conclusion**

In view of all of the above, it is respectfully submitted that all of the presently pending claims are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

Dated: October 9, 2007

By: 

Richard M. Rosati  
(Reg. No. 31,792)

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200

**CUSTOMER NO. 26646**